

August 8, 2023

**Via FOIA Online**

National FOIA Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2310A)  
Washington, DC 20460

**Re: Freedom of Information Act Request  
Lower Passaic River Diamond Alkali Superfund Site**

To whom it may concern:

On behalf of Occidental Chemical Corporation (OxyChem), I write to request that the documents listed below be made available for inspection and copying pursuant to the Freedom of Information Act.

This request relates to the Expert Report of Robert Parette titled “Opinions on the Discharges of COCs from 80 Lister Avenue (Newark, NJ) into the Lower Passaic River” prepared for the Lower Passaic River Small Parties Group (SPG), inclusive of the June 14, 2019 final report and all prior drafts (Parette Expert Report). Region 2 of the U.S. Environmental Protection Agency (USEPA) provided pages 1 and 22 of the Parette Expert Report, stamped “Declassified”, to OxyChem on August 3, 2023 in response to FOIA Request EPA-R2-2023-004728.<sup>1</sup>

**Documents Requested**

1. All communication and documents regarding the de-classification of the Parette Expert Report on August 3, 2023, including without limitation any agency guidance, memoranda, policy statements, executive orders, or directives relied upon by USEPA to make that determination.
2. All communication between USEPA and any person regarding the Parette Expert Report, including without limitation communication among:
  - Eastern Research Group (ERG), Techlaw Consultants, Inc., AlterEcho, David C. Batson, or any other USEPA consultant, contractor, sub-contractor, or prime contractor;

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<sup>1</sup> The partial copy provided by USEPA is enclosed as Exhibit A. On August 7, 2023 Alice Yeh, Remedial Project Manager at USEPA, confirmed via email that “All of the pages of the Parette Expert Report in EPA’s possession were produced in response to the FOIA request. EPA does not have any other pages of the report in its possession.”

- Jeffrey Talbert (jtalbert@preti.com), or any other representative of the SPG, the Lower Passaic River Cooperating Parties Group (CPG), or any individual members of the SPG or CPG;
  - Laura Rowley (laura.rowley@usdoj.gov), Andrew Keir (andrew.w.keir@usdoj.com), Brian Donahue (brian.donahue@usdoj.gov), or any other representative of the U.S. Department of Justice;
  - Alice Yeh (yeh.alice@epa.gov), Juan Fajardo (fajardo.juan@epa.gov), Sarah Flanagan (flanagan.sarah@epa.gov), or any other representative of USEPA.
3. All communication and documents regarding any expert report submitted to USEPA contractor David C. Batson in connection with the Passaic River allocation effort conducted by Mr. Batson or the resulting December 28, 2020 Diamond Alkali Superfund Site OU2 Allocation Recommendation Report, disclosed to the public on December 18, 2022 (Batson Report), including without limitation communication among:
- Eastern Research Group (ERG), Techlaw Consultants, Inc., AlterEcho, David C. Batson, or any other USEPA consultant, contractor, sub-contractor, or prime contractor;
  - Jeffrey Talbert (jtalbert@preti.com), or any other representative of the SPG or the CPG, or any individual members of the SPG or CPG;
  - Lee Henig-Elona (lhenig-elona@grsm.com), Diana Buongiorno (dbuongiorno@csglaw.com), or any other representative of parties named in the proposed consent decree filed in *U.S. v. Alden Leeds, et al.*, Civil Action No. 2:22-cv-07326 in the District of New Jersey;
  - Laura Rowley (laura.rowley@usdoj.gov), Andrew Keir (andrew.w.keir@usdoj.com), Brian Donahue (brian.donahue@usdoj.gov), or any other representative of the U.S. Department of Justice;
  - Alice Yeh (yeh.alice@epa.gov), Juan Fajardo (fajardo.juan@epa.gov), Sarah Flanagan (flanagan.sarah@epa.gov), or any other representative of USEPA.

Respectfully,  
**Langsam Stevens Silver &  
Hollaender LLP**

s/ Lauren Krohn  
Lauren Krohn